

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ORDER

Criminal File No. 09-313 (MJD/JJG)

(1) ALBERT ARNOLD GARCIA, JR.,

Defendant.

The Court cannot be fair and impartial in sentencing Defendant on his current supervised release violation. A new Judge should have the opportunity to review the case and handle the violation. Pursuant to Title 28, United States Code, Section 455, the undersigned recuses himself from hearing this matter.

Accordingly, based upon the files, records, and proceedings herein, **IT IS HEREBY ORDERED**, pursuant to this Court's Assignment of Cases Order dated

December 19, 2008, the above-captioned action shall be resubmitted to the Clerk of Court for reassignment.

Dated: April 10, 2012

s/ Michael J. Davis

Michael J. Davis

Chief Judge

United States District Court